



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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Secretary

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Commissioner

**This is an electronic facsimile of a document on file with the Massachusetts  
Department of Environmental Protection**

Robert Delhome  
Charter Environmental, Inc.  
560 Harrison Avenue  
Boston, MA 02118

RE: CHELMSFORD—Solid Waste Management/COR  
Glenview Landfill  
Stedman Street  
FMF Number: 296976

BWP SW45/Any Facility-Alternative Review  
Transmittal Number: X257263  
**Conceptual Project Approval**  
**Final Decision**

Dear Mr. Delhome:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Management Section ("MassDEP") has reviewed your application for MassDEP approval of a conceptual plan for completing the closure of the Glenview landfill located off Stedman Street in Chelmsford, Massachusetts (the "Facility"). CDM Smith, Inc. of Cambridge, Massachusetts ("CDM Smith") prepared and submitted the application, category *BWP SW 45, Permit for Any Facility- Alternative Review*, Transmittal No. X257263, to MassDEP on behalf of Charter Environmental, Inc. (the "Charter"). MassDEP received the Application on October 1, 2013.

Your application has been assigned File Number X257263. In accordance with 310 CMR 19.031 (1) this File Number must be referred to on all future correspondence regarding this application.

## **DISCUSSION**

The application states, in part, that Charter is under agreement with the landowner, Sandbanks, LLC to perform certain activities at the Glenview Landfill related to completing the final closure of the landfill in accordance with the Solid Waste Management Regulations, 310 CMR 19.000. As owner of the facility Sandbanks, LLC retains ultimate responsibility for the closure and post closure monitoring and maintenance of the facility as well as addressing the open issue related to cyanide impacts to the groundwater around the site.

As described in this application Charter proposes to:

1. Accept the following grading and shaping materials as part of this project: clean soils; soils meeting MassDEP's policy "Reuse and Disposal of Contaminated Soils at Massachusetts Landfills (Policy COMM-97-001)" for unlined landfills; street sweepings; catch basin cleanings from storm water systems that are separated from sewers; and dewatered dredge materials for unlined landfills per MassDEP Policy 94-007. Charter may consider additional materials such as coal ash or previously approved BUD materials<sup>1</sup>. If Charter elects to incorporate them, these other materials will be presented in future permit applications.
2. Access the site from Westford Street, along the Lowell Landfill access roadway, in which the Site has an easement. This requires permission from the City of Lowell.
3. Place grading and shaping materials generally above the existing 154 foot contour at a maximum slope of 3H: 1V. Storm water drainage swales would be graded in at approximate 25-foot vertical intervals to direct storm water flow to the existing storm water basin in the south corner of the site. The existing storm water basin will be cleaned and rebuilt and its design reviewed and validated as part of the Corrective Action Design permit application. While the final grading plan will need to be refined, a preliminary plan submitted as part of the application shows approximately 420,000 cubic yards (cy) of additional grading and shaping materials being placed at the Site to meet the final subgrades for placement of the landfill cap.
4. Supplement the existing cap on specific existing side slopes as needed and replacement of the existing cap in two areas. On the existing top plateau where it has been partially damaged and additional grading and shaping soils are being placed; and on the western slopes where the previously constructed liner has been

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<sup>1</sup> "BUD materials are materials approved pursuant to 310 CMR 19.060, "Beneficial Use of Solid Waste", for reuse as shaping and grading material in construction of the subgrade for a landfill cap.

damaged beyond repair. On the other slopes, Charter will conduct a limited field investigation to determine the presence of the liner and the condition and thickness of the sand drainage and vegetative support layers.

5. Temporarily stockpile approximately 50,000 cubic yards of grading and shaping materials at the site prior to receiving final MassDEP approval for the Corrective Action Design permit application submittal. Charter is requesting that they be allowed to commence with the temporary stockpiling while other approvals such as the Corrective Action Design (CAD) permit application and Massachusetts Environmental Policy Act (MEPA, 301 CMR 11.00) are finalized.
6. Enter into an Administrative Consent Order (ACO) with MassDEP for performing the proposed activities including, but not limited to, the temporary stockpile, and submittal and implementation of the CAD. <sup>2</sup>
7. Prior to the initiation of stockpiling, submit for review and approval by MassDEP a plan for the temporary stockpiling of approximately 50,000 cubic yards of grading and shaping materials at the Site. The plan will include a Materials Management Plan and Storm water Pollution Prevention Plan for the temporary stockpiling of this material. It will include, in part: appropriate erosion control barriers, repairs to the storm water control basin and swales, preparation of the subgrade area, installation of the truck weighing scale, and controls to minimize off-site tracking of materials and to control generation of dust on the Site.
8. Post an appropriate Financial Assurance Mechanism (FAM) in a form approved by MassDEP in the amount necessary to complete the closure of the Site.

On October 16, 2013 MassDEP issued a draft decision approving this application. MassDEP accepted comments on the Draft Decision from interested parties including, but not limited to, the public, the applicant, Town of Chelmsford and the Town of Lowell. In addition, on November 1, 2013, MassDEP met with representatives of Charter, Sandbanks, LLC (property owner), Town of Chelmsford and State Representative Thomas Golden's Office to discuss the proposed project and the draft decision. The comment period closed on November 12, 2013, at 5:00 pm and the MassDEP did not receive any comments.

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<sup>2</sup> MassDEP notes that Sandbanks, LLC, the owner of the Site, will also be required to execute an ACO with the MassDEP for completing the closure of the Site and conducting post-closure care and monitoring.

### **DECISION**

MassDEP has determined that the application as conditioned by this decision, complies with the requirements of 310 CMR 19.000. Therefore, in accordance with M.G.L. Chapter 111, § 150A and 310 CMR 19.000 MassDEP approves the conceptual closure plan for the Glenview Landfill subject to compliance with the conditions of this decision. These conditions are imposed by MassDEP pursuant to 310 CMR 19.043(1). This decision is issued by MassDEP pursuant to 310 CMR 19.037.

1. **Grading and Shaping Material:** Approves the conceptual placement of approximately 420,000 cy of additional grading and shaping materials to complete the final closure of the landfill in accordance with the Solid Waste Regulations (310 CMR 19.000). Approved grading and shaping materials include: clean soils; soils meeting MassDEP's policy "Reuse and Disposal of Contaminated Soils at Massachusetts Landfills (Policy COMM-97-001)" for unlined landfills; street sweepings; catch basin cleanings from storm water systems that are separated from sewers; and dewatered dredge materials for unlined landfills per MassDEP Policy 94-007.
2. **Stockpile Plan:** Prior to being approved to stockpile approximately 50,000 cy of grading and shaping material at the site, Charter shall submit an application category BWP SW 11: Landfills-Major Modification for MassDEP review and approval. The application shall include the plan for the temporary stockpiling of 50,000 cubic yards of grading and shaping material as discussed in the Conceptual Closure Plan and this decision. It shall include, but not be limited to a Materials Management Plan and Storm Water Pollution Prevention Plan for the temporary stockpiling of this material and shall, in part, include appropriate erosion control barriers, repairs to the storm water control basin and swales, preparation of the subgrade area, installation of the truck weighing scale, and controls to minimize off-site tracking of materials and to control generation of dust on the Site.
3. **Administrative Consent Orders:** Prior to the initiation of stockpiling of grading and shaping material, Charter shall execute an Administrative Consent Order (ACO) with the MassDEP for completing the proposed closure activities at the Site. Charter shall also submit a letter to the MassDEP stating that the Agreement between Sandbanks, LLC and Charter has been signed. The letter shall be certified by a responsible corporate officer of Charter pursuant to 310 CMR 19.011. In addition, Charter shall not commence the stockpiling of grading and shaping material at the Site until Sandbanks, LLC, has executed an ACO with the MassDEP for the Site in compliance with 310 CMR 19.000.

4. **Financial Assurance Mechanism:** Prior to the initiation of stockpiling of grading and shaping material at the Site Charter shall establish a Financial Assurance Mechanism for the project pursuant to 310 CMR 19.051.

This decision is issued by MassDEP in accordance with M.G.L. Chapter 111, § 150A and 310 CMR 19.000.

### **NOTICE OF RIGHT TO APPEAL**

**Appeal.** Any person aggrieved by the issuance of this decision, may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, not later than thirty (30) days following the receipt of the Final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

**Notice of Action.** Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to MassDEP of their intention to commence such action. Said notice of intention shall include MassDEP file number and shall identify with particularity the issues and reasons why it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the application. The appropriate addresses to which to send such notices are:

General Counsel  
Department of Environmental Protection  
One Winter Street - Third Floor  
Boston, MA 02108

Eric Worrall  
Regional Director  
Department of Environmental Protection  
Metropolitan Boston/Northeast Regional Office  
205B Lowell Street,  
Wilmington, MA 01887

Charter Environmental, Inc

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No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions in regards to this matter please contact Richard Spieler at 978-694-3317.

**This final document copy is being provided to you electronically by the Massachusetts Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.**

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Sincerely,

Richard J. Spieler  
Environmental Engineer  
Solid Waste Management Section

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Sincerely,

John A. Carrigan  
Section Chief  
Solid Waste Management Section

JAC/RJS/rjs

cc: Julie Foshay  
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Chelmsford Town Manager  
50 Billerica Road

Charter Environmental, Inc

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Chelmsford, MA 01824

Chelmsford Conservation Commission, LL05  
50 Billerica Road  
Chelmsford, MA 01824

Chelmsford Board of Health, LL02  
50 Billerica Road  
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Lowell City Manager  
375 Merrimack Street  
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Management/COR